

**IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE,  
DEVBHOO MI DWARKA AT DWARKA.**

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**Criminal Misc. Application No. 41 of 2026.**  
**Exh.**

**Pruthvirajsinh @ Rushiyo @ Rushirajsinh Karubha Vadher.**  
Age about : 27 years, Occupation: Labour,  
Residing at Village : Bhimrana, Nr. Momai Mata Temple,  
Taluka : Dwarka, District : Devbhoomi Dwarka. ....APPLICANT

**Versus**

**THE STATE OF GUJARAT.**  
Through : The Ld. Public Prosecutor,  
District : Devbhoomi Dwarka. ....OPPONENT

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**Application u/s. 483 of B.N.S.S. for Regular Bail.**

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**APPEARANCE :**

Learned Advocate for the applicant : Mr. N. N. Parmar.  
Learned APP for the State. : Mr. A. H. Vyas.

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**:: J U D G M E N T ::**

1. The present application is preferred by the applicant under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for releasing him on regular bail.
2. The factual matrix of the present application are such that offence punishable u/s. 65(E), 116-B, 98(2) of the Gujarat Prohibition Act, 1951 (for short "Prohibition Act") is registered with Mithapur Police Station Cr. No. 11185005260218 of 2026. The applicant-accused has been arrested for the said offence and after completion of police custody he was sent to judicial custody and since he is in judicial

custody. The applicant / accused has specified grounds for entitlement of regular bail, which are, that the applicant / accused has not committed any alleged offence and he has been wrongly implicated in the offence. That the applicant / accused is having permanent residence at the address mentioned in the cause title and he would not abscond and he would abide by all the terms and conditions which may be imposed by the Court. Hence, the applicant / accused be granted regular bail.

3. On presentation of this application notice was issued to the State and Ld. APP appeared for the State and filled the affidavit of investigation officer. Heard Ld. Advocates appearing for the parties. Perused the record.
4. Ld. Advocate, Mr. J. N. Parmar appeared on behalf of the applicant / accused has advanced his oral arguments and reiterated the facts of the application, and further submitted that the applicant / accused has not committed any alleged offence and he has been wrongly implicated in the offence and no prima facie case is made out against the applicant / accused. It is submitted that only upon the assumption and presumption, the present applicant/accused is falsely implicated in the present offence. It is submitted that present applicant / accused has no any serious criminal antecedent. So the applicant / accused is entitled for bail. It is submitted that applicant/accused is having permanent residence at address shown above in title clause and thus, he is not the persons which can be fled away from the process of law and he will abide by all the terms and conditions that may be imposed by this Hon'ble Court while enlarging on regular bail and also co-operate with the investigation. It is further submitted that present offence is triable

by the Court of Judicial Magistrate (First Class) and maximum punishment provided for the offence is only up to 10 year imprisonment and there is a long way to go into the investigation and conclusion of the trial and there is no need for custodial interrogation of the present applicant / accused in this offence, however whenever the police needs the applicant / accused, he will be present at that time. Hence, on appropriate conditions and amount of surety he may be released on regular bail.

5. Per Contra the Ld. APP Mr. A. H. Vyas appeared on behalf of the State has objected the present bail application and further submitted that as per the contents of the FIR, prima-facie case is made out against the applicant / accused. It is submitted that if the present applicant / accused release on regular bail he may hamper or temper evidence and he may not co-operate in the further investigation and may flee from justice, so, looking to the gravity of offence, the present bail application requires to be rejected.
6. I have perused the grounds urged in the bail petition, FIR, complaint and the statement of witnesses recorded during the investigation. I have considered that applicant-accused has no any serious criminal antecedents. I have also considered the nature of accusation made in the FIR and exact role played by the applicant-accused. Looking to the nature of role played by the present applicant-accused and considering the fact that that custodial interrogation is not required. As, the applicant-accused has family and social root in society, there is no possibility that he might flee from justice and his presence in society will prejudice the investigation and considering overall view of the matter, I am inclined to exercise my discretion in favor of the

applicant-accused. Further, It is pertinent to note that by enlarging applicant-accused on regular bail, he is not declared as innocent or acquittal, but, he has to face investigation and trial, if the charge sheet is filed. Therefore, in my humble view, this is a fit case to exercise the discretion vested U/s.483 of B.N.S.S. by imposing stringent conditions and heavy surety. Hence, in the interest of justice, I pass the following order.

**::: O R D E R :::**

1. This Present Criminal Misc. (Reg. Bail) Application No. **41** of 2026, is hereby **granted**.
2. The applicant / accused i.e. **Pruthvirajsinh @ Rushiyo @ Rushirajsinh Karubha Vadher**, residents of the address shown in the cause title is hereby **release on regular bail** on furnishing personal bond of **Rs. 25,000/- and one surety of like amount** in connection with offence punishable under Section 65(E), 116-B, 98(2) of the Gujarat Prohibition Act, 1951 with Mithapur Police Station bearing Cr. No. 11185005260218 of 2026 subject to following conditions that;
  - A) To appear before Investigating Officer as and when called upon by the Investigating Officer and to co-operate in investigation.
  - B) If the applicant is holding the passport he shall deposit the same with trial court within 3 days of his release and if not holding such passport than he would furnish the duly sworn affidavit before trial court.
  - C) The applicant / accused must remain present during the judicial proceedings against him on each occasion before the Court without fail.
  - D) Not to take undue advantage of liberty or abuse liberty and must not indulge in any illegal activity.
  - E) Not to act in a manner injurious to the interest of the prosecution;  
Not to temper with evidence or influence the witnesses concerned.

- F)* To Furnish his present address as well permanent address to the Investigating Officer and also to the concerned Court at the time of execution of bond and in case of change of any address then he shall inform new address to the concerned Court immediately.
- G)* The applicant / accused shall not leave the territory of India without prior permission of concerned Court.
- H)* The applicant / accused shall furnish contact number / mobile number.
3. Copy of the order to be furnished in the concerned Court and in the concerned police station.
  4. Bail is to be given before the concerned Court where judicial proceeding for the offence is pending.
  5. Yadi be sent to the concerned Court.

**Pronounced and signed in the open Court today i.e. 13<sup>th</sup> March, 2026.**

Date : 13.03.2026.

Place : Dwarka.

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**[Kaushikkumar Jashvantlal Modi]**  
Additional District & Sessions Judge,  
Devbhoomi Dwarka at Dwarka  
**[UIC No. GJ00597]**